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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,499	10/23/2001	George J. Horwath	CE08578R	7385

22917 7590 07/09/2004

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EXAMINER

DOAN, KIET M

ART UNIT	PAPER NUMBER
2683	3

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/003,499

**Applicant(s)**

HORWATH ET AL.

**Examiner**

Kiet Doan

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 10/23/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 23 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/23/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajaniemi (International Pub. No. WO 00/31988) in view of Weaver (Patent No. 5,680,395).

Consider **claim 1 and 10**, Rajaniemi teaches a method/apparatus of prioritizing a plurality of cells in a neighbor list of a cell in an active set (Page 4, Lines 5-12 teach cell priorities), including when the plurality of cell have been added to the active set (Page 4, Lines 31-38 teach adds new cells to the active set) a predetermined amount of times, prioritizing the plurality of cells in the neighbor list (Page 4, Lines 15-21). However, Rajaniemi teach the invention but fails to teach tracking an amount of times the cell of the plurality of cell is added to the active set; tracking an amount of time any cell of the plurality of cells is added to the active set. In an analogous art, Weaver teaches "Method and apparatus for time division duplex pilot signal generation". Further, Weaver disclosed comprising the steps of: for each cell of the plurality of cells tracking an amount of times (Col 9, lines 55-65, Col 10, Lines 1-15, Col 11, Lines 4-15) the cell of the plurality of cell is added to the active set; tracking an amount of time

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any cell (Fig. 4, Time tracking circuitry) of the plurality of cells is added to the active set.

Therefor, It would have been obvious to one of the ordinary skill in the art at the time the invention was made, within the Rajaniemi system, time tracking circuitry, as taught by Weaver to modify the system for easy sorting the neighbor list of cell in a communication system.

2. Claims **2, 3, 4, 5, 6, 7, 8, 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajaniemi (International Pub. No. WO 00/31988) in view of Weaver (Patent No. 5,680,395) as applied above, and further in view of Kusaka (Published No. 2001/0026542).

Consider **claims 2 and 5**, Rajaniemi and Weaver teaches the invention but fail to teach wherein the step of tracking when a cell of the plurality of cells is added to the active set comprises: maintaining a first counter set for the plurality of cells, wherein the first counter set comprises a counter for each of the plurality of cells; and incrementing the counter in the first counter set corresponding to the cell that is added to the active set. In an analogous art, Kusaka teaches " Mobile station for CDMA communication system and method for communication of the mobile station". Further, Kusaka disclosed all the limitation wherein the step of tracking when a cell of the plurality of cells is added to the active set comprises: maintaining a first counter set for the plurality of cells, wherein the first counter set comprises a counter for each of the plurality of cells; and incrementing the

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Counter (Abstract, lines 4-8) in the first counter set corresponding to the cell that is added to the active set (Abstract, Lines 8-14, Page 5, Paragraphs 72, 73, 74).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made, within Rajaniemi and Waever system, increment the counter, as taught by Kasaka to modify the system automatically ordering the neighbor list of cell that added to the active set for that created a priority list so the users can communicate without lost connection.

Consider **claims 3 and 6**, Kasaka further disclosed wherein the step of tracking when any cell of the plurality of cells is added to the active set comprises: maintaining a second counter for the neighbor list; and incrementing the second counter when any cell of the plurality of cells in the neighbor list is added to the active set (Page 2, Paragraphs 15 and 16, Page 3, Paragraph 31).

Consider **claim 4**, Kasaka further disclosed wherein the step of prioritizing comprises: when the second counter reaches a predetermined value ordering the plurality of cells in the neighbor list from a highest priority to a lowest priority, wherein the cell associated with the counter in the first counter set having a highest value is given the highest priority and the cell associated with the counter in the first counter set having a lowest value is given the lowest priority (Page 2, Paragraphs 19, 20 and 21).

Consider **claim 7**, Kasaka further disclosed comprising the steps of: determining whether the counter in the active counter set corresponding to the cell that is added to the active set has reached a maximum value; and if the counter has reached the maximum value, incrementing the active neighbor list counter; clearing the standby counter set; clearing the standby neighbor list counter; swapping the active and standby counter sets swapping the active and standby neighbor list counters (Page 3, Paragraphs 33, 34, 40, 41, 42, Page 4, Paragraphs 49 and 57).

Consider **claims 8 and 9**, Kasaka further disclosed in a communications system wherein user equipment monitors a plurality of cells in a plurality of neighbor lists for inclusion in a monitored set and subsequent promotion to an active set, a method of prioritizing the plurality of cells in the plurality of neighbor lists comprising the steps of: detecting when a new cell has been added to the active set; for each celli already in the active set, determining whether the new cell is included in the neighbor list of celli; if the new cell is included in the neighbor list of celli, incrementing a counter in a first counter set associated with the new cell in the neighbor list of celli; determining whether the counter in the first counter set has reached a maximum value; if the counter in the first counter set has not reached the maximum value, incrementing a first neighbor list counter associated with the neighbor list of celli; determining whether the first neighbor list counter has reached a predetermined value; if the first neighbor list counter has reached the predetermined value, prioritizing the plurality of cells in

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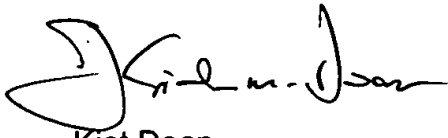
the neighbor list of celli; and constructing the monitored set from the plurality of cells in the plurality of neighbor lists (Abstract, Page 1, Paragraph 14. Page 2, Paragraphs 15,16, 17, Page 3, Paragraphs 40, 45, Page 4, Paragraphs 56, 57, 60, 64, 65, 66).

### ***Conclusion***

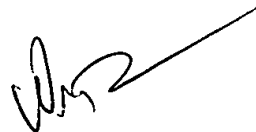
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 703-305-4749. The examiner can normally be reached on 8am - 5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Kiet Doan". The signature is fluid and cursive, with a large initial "K" and a long horizontal stroke.

Kiet Doan  
06/21/2004

A handwritten signature in black ink, appearing to read "William Trost". The signature is more angular and less cursive than the one above, with a prominent vertical stroke and a long diagonal stroke.

WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600